

IN THE DISTRICT COURT OF THE UNITED STATES
for the Western District of New York

July 2020 GRAND JURY
(Impaneled July 31, 2020)

THE UNITED STATES OF AMERICA

INDICTMENT

-vs-

DAVID RUBEL

Violations:

Title 18, United States Code,
Sections 2251(a), 2252A(a)(2)(A),
2422(b), 2252A(a)(5)(B), and 1470.

(13 Counts and Three Forfeiture
Allegations)

COUNTS 1-5

(Production of Child Pornography)

The Grand Jury Charges That:

On or about the dates set forth below, in the Western District of New York, and elsewhere, the defendant, DANIEL RUBEL, did employ, use, persuade, induce, entice, and coerce, and attempt to employ, use, persuade, induce, entice, and coerce, a minor, that is, Minor Victim, a person known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, knowing and having reason to know that such visual depictions would be transported and transmitted using any means and facility of interstate and foreign commerce; knowing and having reason to know that such visual depictions would be transported and transmitted in and affecting interstate and foreign commerce; and which visual depictions were produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce

by any means, including by computer; which visual depictions were actually transported and transmitted using any means and facility of interstate and foreign commerce; and which visual depictions were actually transported and transmitted in and affecting interstate and foreign commerce.

COUNT	DATE
1	July 20, 2020
2	July 21, 2020
3	July 25, 2020
4	August 2, 2020
5	August 5, 2020

All in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNT 6-10

(Receipt of Child Pornography)

The Grand Jury Further Charges That:

On or about the dates set forth below, in the Western District of New York, and elsewhere, the defendant, DAVID RUBEL, did knowingly receive child pornography, as defined in Title 18, United States Code, Section 2256(8), that is, images of Minor Victim, a person known to the Grand Jury, that had been shipped and transported using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

COUNT	DATE
6	July 20, 2020
7	July 21, 2020

8	July 25, 2020
9	August 2, 2020
10	August 5, 2020

All in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1).

COUNT 11

(Sexual Enticement of a Minor)

The Grand Jury Further Charges That:

Between on or about July 20, 2020, and on or about August 5, 2020, in the Western District of New York, and elsewhere, the defendant, DAVID RUBEL, using facilities and means of interstate and foreign commerce, that is, a cellular telephone and the internet, did knowingly persuade, induce, entice, and coerce, and attempt to persuade, induce, entice, and coerce, Minor Victim, a person known to the Grand Jury, an individual who had not attained the age of 18 years, to engage in sexual activity for which any person can be charged with a criminal offense.

All in violation of Title 18, United States Code, Section 2422(b).

COUNT 12

(Possession of Child Pornography)

The Grand Jury Further Charges That:

On or about August 9, 2020, in the Western District of New York, the defendant, DAVID RUBEL, did knowingly possess material, that is, an LG cellular telephone model LM-X210CM, bearing serial number 909VTTD344377, that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been

shipped and transported using any means and facility of interstate and foreign commerce; that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and that had been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

COUNT 13

(Transfer of Obscene Material to a Minor)

The Grand Jury Further Charges That:

Between on or about July 20, 2020, and on or about July 26, 2020, in the Western District of New York, the defendant, DAVID RUBEL, using facilities and means of interstate and foreign commerce, that is, a cellular telephone and the internet, did knowingly transfer, and attempt to transfer, obscene material to another individual who had not attained the age of 16 years, that is, Minor Victim, a person known to the Grand Jury, knowing that Minor Victim had not attained the age of 16 years.

All in violation of Title 18, United States Code, Section 1470.

FIRST FORFEITURE ALLEGATION

The Grand Jury Alleges That:

Upon conviction of Counts 1 through 10 and Count 12 alleged in this Indictment, or any one of them, the defendant, DAVID RUBEL, shall forfeit to the United States any matter which contains any visual depiction of child pornography, which was produced, transported, mailed, shipped, and received, and any and all property, real and personal, used and intended

to be used to commit and to promote the commission of such offenses, and all property traceable to such property, including but not limited to the following:

- a. One LG cellular telephone model LM-X210CM, IMEI: 355513103443779, bearing serial number 909VTTD344377.

All pursuant to Title 18, United States Code, Section 2253(a)(1) and 2253(a)(3).

SECOND FORFEITURE ALLEGATION

The Grand Jury Alleges That:

Upon conviction of Count 11 alleged in this Indictment, the defendant, DAVID RUBEL, shall forfeit to the United States any matter which contains any visual depiction of child pornography, which was produced, transported, mailed, shipped, and received, and any and all property, real and personal, used and intended to be used to commit and to promote the commission of such offenses, and all property traceable to such property, including but not limited to the following:

- b. One LG cellular telephone model LM-X210CM, IMEI: 355513103443779, bearing serial number 909VTTD344377.

All pursuant to Title 18, United States Code, Section 2428(a)(1).

THIRD FORFEITURE ALLEGATION

The Grand Jury Alleges That:

Upon conviction of Count 13 alleged in this Indictment, the defendant, DAVID RUBEL, shall forfeit to the United States any matter which contains any visual depiction of child pornography, which was produced, transported, mailed, shipped, and received, and any and all property, real and personal, used and intended to be used to commit and to promote

the commission of such offenses, and all property traceable to such property, including but not limited to the following:

- c. One LG cellular telephone model LM-X210CM, IMEI: 355513103443779, bearing serial number 909VTTD344377.

All pursuant to Title 18, United States Code, Section 1467(a)(3).

DATED: Buffalo, New York, December 16, 2020.

JAMES P. KENNEDY, JR.
United States Attorney

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A TRUE BILL:

S/FOREPERSON